

REMARKS/ARGUMENTS

Applicants have received the Office Action dated September 20, 2006, in which the Examiner: 1) objected to claim 1¹ because of informalities; 2) rejected claims 34-38 under 35 U.S.C. § 101; and 3) rejected claims 23-38 under 35 U.S.C. § 102(e) as being anticipated by Srivastava (U.S. Pat. No. 6,563,952, hereinafter "Srivastava"). With this Response, Applicants have amended claim 23 and the specification. Based on the amendments and arguments contained herein, Applicants believe all claims to be in condition for allowance.

I. OBJECTION OF CLAIM 23

Claim 23 has been amended to address the claim objection.

II. REJECTIONS UNDER 35 U.S.C. § 101

The Examiner alleged that claims 34-38 are not directed to statutory subject matter based on a sentence in paragraph [0022] of the specification referring to "signals." While Applicants disagree with the Examiner's assessment that claims 34-38 do not comply with § 101, Applicants have amended paragraph [0022] to remove the allegedly problematic language. Applicants also note that support for claim 34 can be found in at least paragraph [0024] and other locations within the specification.

III. REJECTIONS UNDER 35 U.S.C. § 102(e)

Claim 23 requires the use of a "pre-computed first classification tool" and a "second classification tool" that is constructed on-the-fly if the first classification tool proves to be inadequate for classifying a record. Specifically, claim 23 requires:

if said record comprises information for variables sufficient for use by the pre-computed first classification tool adapted to classify said record, said processor using said first classification tool to classify said record; and

if said record does not comprise information for variables sufficient for use by the pre-computed first classification tool such that the first classification tool cannot be used to classify said record, then said

¹ Applicants previously cancelled claim 1. Thus, Applicants assume that the Examiner object of claim 1 was intended to apply to claim 23.

processor building a second classification tool to classify said record and classifying said record using said second classification tool.

Srivastava does not disclose this feature. The Examiner focused on the logic flow of Fig. 2 of Srivastava and the text in columns 3 and 4. Figure 2 shows a method 100 in which data is processed in possibly two ways (steps 108-112) after which a classification model is built in step 113. The two pre-processing steps involve (a) associating data to determine large itemsets (step 110) if desired by decision step 108 and (b) adding cluster weight attributes (step 112) if the use of clustering is desired by decision step 111. After either, both, or neither of these pre-processing steps are performed, the classification model is built in step 113. The classification model built in step 113 is "a model on which future classification is based." Col. 4, ll. 38-39. Thus, Srivastava simply teaches how a particular classification model can be built for subsequent use in classifying data.

Claim 23, however, requires using a pre-computed first classification tool if such tool is sufficient given the variables in the record to be classified, and otherwise constructing and using a second classification tool. Thus, the second classification tool is built after determining that the pre-computed first classification tool cannot be used to classify a particular record. Srivastava simply does not disclose this claimed feature.

At least for this reason, claim 23 and its dependent claims are allowable. For the same or similar reason, all other independent claims and their dependent claims are also allowable.

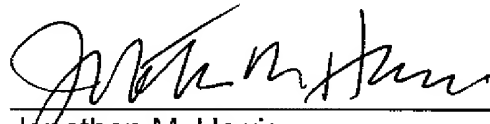
IV. CONCLUSION

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Appl. No. 09/851,066
Amdt. dated December 18, 2006
Reply to Office Action of September 20, 2006

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



Jonathan M. Harris
PTO Reg. No. 44,144
CONLEY ROSE, P.C.
(713) 238-8000 (Phone)
(713) 238-8008 (Fax)
ATTORNEY FOR APPLICANTS

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
Legal Dept., M/S 35
P.O. Box 272400
Fort Collins, CO 80527-2400